

**HIGH COURT OF UTTARANCHAL
AT NAINITAL.**

Writ Petition No. 365(S/S)2005

Ganga Prakash,
Son of Sri Balakram,
Purva Madhyamik Vidyalaya,
Nagonia,
P.O. Pokhri Vikas Khand,
Bhimtal, District Nainital.

....Petitioner.

Vs.

1. Joint Director of Education Nainital,
2. Basic Shiksha Adhikari, Udham Singh Nagar,
3. Basic Shiksha Adhikari, Nainital.

....Respondents.

Sri S.S. Yadav, learned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this petition, the petitioner, who is Assistant Teachers in Purva Madhyamik Vidyalaya Nagonia, P.O. Pokhri Vikas Khand Okhalkanda, District Nainital has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar by preparing list of option.

The contention of the petitioner is that the petitioner was appointed as Assistant Teachers in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioner was teaching in district Nainital, therefore, option was invited from the petitioner and he has opted

for district Udham Singh Nagar. The respondents have prepared a list of the persons, who have opted for district Udham Singh Nagar but the name of the petitioner does not find place in that list. The petitioner has made representation several times before the authority concerned to relieve them for the district he has opted. Till date, the respondents have not taken any decision on the representation and he is not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioner, in accordance with law within a period of four weeks from the date of receipt of a certified copy of this order provided the petitioner has opted for district Udham Singh Nagar. The petitioner is directed to place the copy of this order along with their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 7, 2005:
S K Sharma